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CLASS ACTIONS, MASS TORTS & CATASTROPHIC INJURIES

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February 14, 2024

The Honorable Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: *Newman v. AudienceView Ticketing Corp. et al.*, Case No. 1:23-cv-03764-VEC

Dear Judge Caproni:

Pursuant to Your Honor's Individual Practices, and with the continued consent of the Defendants, we respectfully request an additional extension of 60 days for the submission of the Plaintiffs' response to the Motion to Dismiss, due on February 14, 2024. This request seeks to extend the deadline further to April 14, 2024. The Parties would also provide a 30-day interim status update to the Court on the progress of their mediation efforts on March 12, 2024.

Since our last communication, the parties have made progress towards resolving the dispute through mediation. We have successfully exchanged preliminary materials tailored to facilitate effective mediation discussions.

Currently, the parties are conferring about mediation, including the process of selecting a mutually acceptable mediator and coordinating schedules to ensure the mediation occurs as promptly as possible. To that end, we are confident that an additional extension will provide the necessary time to engage in mediation with the potential to reach a resolution.

We believe that this extension is in the best interests of both parties and serves the judicial economy by potentially avoiding the need for further litigation. The parties additionally agree to submit a follow-up communication to the Court within 14 days of this letter, providing the name of the agreed-upon mediator and the scheduled mediation dates.

We appreciate the Court's attention to this matter. Should Your Honor have any questions or require additional information, please do not hesitate to contact the undersigned.

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Respectfully submitted,

BRADLEY/GROMBACHER, LLP

/s/ Kiley L. Grombacher

Kiley L. Grombacher
Attorneys for Plaintiffs Richard Z. Toledo and
Jadyn Newman

cc: All counsel of Record (via ECF)

In light of the parties' efforts to settle the case, the Court will deny without prejudice the pending motion to dismiss, Dkt. 45, and stay the case. The parties must provide a status update on their efforts to settle every two months beginning on **Monday, April 1, 2024**, and continuing on the first business day of every other month thereafter.

The Clerk of Court is respectfully directed to terminate the open motion at Dkt. 45.

SO ORDERED.



2/14/2024

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE